

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**AMERICAN NATIONAL
INSURANCE COMPANY,
AMERICAN NATIONAL LIFE
INSURANCE COMPANY OF
TEXAS, COMPREHENSIVE
INVESTMENT SERVICES, INC.,
THE MOODY FOUNDATION
Plaintiffs,**

V.

**CIVIL ACTION NO.
3:09-CV-00020**

**RICHARD S. FULD, JR.,
CHRISTOPHER M. O'MEARA,
JOSEPH M. GREGORY, ERIN
CALLAN, IAN LOWITT, MICHAEL
L. AINSLIE, JOHN F. AKERS,
ROGER S. BERLIND, THOMAS H.
CRUIKSHANK, MARSHA
JOHNSON EVANS, SIR
CHRISTOPHER GENT, ROLAND A.
HERNANDEZ, HENRY KAUFMAN,
JOHN D. MACOMBER, BANC OF
AMERICA SECURITIES LLC,
CITIGROUP GLOBAL MARKETS
INC., MERRILL LYNCH, PIERCE,
FENNER & SMITH
INCORPORATED, MORGAN
STANLEY & CO. INCORPORATED,
SUNTRUST ROBINSON
HUMPHREY INC., UBS
SECURITIES LLC, WELLS FARGO
SECURITIES LLC, RBC CAPITAL
MARKETS COPORATION F/K/A
RBC DAIN RAUSCHER INC.,
WACHOVIA CAPITAL MARKETS
LLC, PIPER JAFFRAY & CO. F/K/A
U.S. BANCORP PIPER JAFFRAY
INC., RIDGE CLEARING &
OUTSOURCING SOLUTIONS INC.
F/K/A FLEET SECURITIES INC.,**

~~~~~

## JURY TRIAL DEMANDED

## **WAIVER OF SERVICE OF SUMMONS**

I have received your request to waive service of a summons in this action along with a copy of the complaint, a copy of Plaintiffs' Disclosure of Interested Parties and Corporate Disclosure Statement, a copy of the Conditional Transfer Order applicable to this matter, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

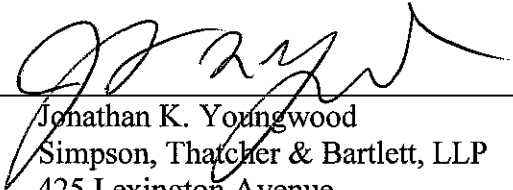
I represent Roger S. Berlind and, on his behalf, agree to save the expense of serving a summons and additional complaint in this case.

I, on behalf of Roger S. Berlind, understand Roger S. Berlind, will keep all defenses or objections to the lawsuit, the court's jurisdiction and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I, on behalf of Roger S. Berlind, also understand that Roger S. Berlind must file and serve an answer or a motion under Rule 12 within 60 days from March 24, 2009, the date when this request was sent. If I fail to do so, a default judgment may be entered against on behalf of Roger S. Berlind.

Date April 1, 2009.

By: \_\_\_\_\_

  
Jonathan K. Youngwood  
Simpson, Thatcher & Bartlett, LLP  
425 Lexington Avenue  
New York, New York 10017-3954

**DUTY TO AVOID UNNECESSARY EXPENSES OF SERVICE A SUMMONS**

Federal Rule of Civil Procedure 4 requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service required by a plaintiff located in the United States will be required to pay the expense of service, unless the defendant shows good cause for the failure.

“Good cause” does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiffs and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.